

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KEVIN SMITH,

Petitioner,

– against –

HONORABLE A.F. BEELER, HONORABLE
ALBERTO GONZALEZ, *et al.*,

Respondents.
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FILED
IN CLERK'S OFFICE
U. S. DISTRICT COURT E.D. N.Y.

★ SEP 21 2005 ★

TIME A.M. _____
P.M. _____

**MEMORANDUM
and ORDER**

05 CV 3220 (SLT)(MDG)

TOWNES, United States District Judge:

The petition for a writ of habeas corpus is DENIED for the reasons stated in the Letter Memorandum filed by the United States Attorney, dated August 2, 2005. The petition is dismissed with prejudice for lack of jurisdiction and on the merits

SO ORDERED.

Dated: Brooklyn, New York
September 7, 2005

SANDRA L. TOWNES
United States District Judge